

Panaji, 16th August, 2018 (Sravana 25, 1940)

SERIES II No. 20

OFFICIAL GAZETTE

GOVERNMENT OF GOA

PUBLISHED BY AUTHORITY

GOVERNMENT OF GOA

Department of Agriculture

Directorate of Agriculture

Order

No. 2/25/2018-19/D.Agri/143

On the recommendation of the Goa Public Service Commission vide their letter No. COM/II/12/2(3)/2014/179 dated 07-08-2018, the probation period of the below mentioned Assistant Directors of Agriculture, Group 'A' Gazetted in the pay scale of PB-III Rs. 15,600-39,100+Rs. 5,400 Grade Pay (Level 10 of 7th Pay Commission) of this Directorate have been lifted, as they have satisfactorily completed the probation period as shown against their names:

Sr. No.	Name of the officer	Date of joining in regular service as Assistant Director of Agriculture	Date of lifting of probation period
1.	Shri Nevil I. H. Alphonso	04-05-2016	03-05-2018.
2.	Smt. Ana Dias e Camara	04-05-2016	03-05-2018.
3.	Shri C. B. Perni	04-05-2016	03-05-2018.

By order and in the name of the Governor of Goa.

Nelson X. Figueiredo, Director & ex officio Joint Secretary (Agriculture).

Tonca-Caranzalem, 10th August, 2018.

Department of Co-operation

Office of the Registrar of Co-operative Societies & ex officio Joint Secretary

Order

No. 50/3/(140)/Elec/BOD/MNCH/RCS/NZ/16/1926

Read: 1. Letter No. 1/240/Elec/BOD/SMCH/ARCZ/2016/41 dated 9th March, 2018 and Letter No. 1/240/Elec/BOD/SMCH/ARCZ/2016/406 dated 14th June, 2018 received from the Asstt. Registrar of Co-op. Societies, Central Zone, Panaji-Goa to fill five vacant posts of Director of the Mandovi Nagar Co-op. Housing Society Ltd., Dr. Dada Vaidya Road, Panaji-Goa.

The Government of Goa is pleased to exempt the Mandovi Nagar Co-op. Housing Society Ltd., Dr Dada Vaidya Road, Panaji-Goa from the provisions of Section 59(4) and 60(3) (b) of the Goa Co-op. Societies Act, 2001 for the term i.e. 2016 to 2021 by invoking the powers under Section 126A of the Goa Co-op. Societies Act, 2001.

By order and in the name of the Governor of Goa.

Sanjiv M. Gadkar, Registrar & ex officio Addl. Secretary (Co-op. Societies).

Panaji, 6th August, 2018.

Order

No. 50/3/(85)/ELEC/BOD/ICC/RCS/SZ/16/1945

Read: Letter No. 18-658-2016/ARSZ/HSG/2735 dated 05-03-2018 received from Asstt. Registrar of Co-op. Societies, South-Zone, Margao-Goa to fill the one vacant post reserved for SC/ST Category on the Board of the Isabel Co-op. Housing Maintenance Society Ltd., near Chinchinim, Salcete-Goa.

The Government of Goa is pleased to exempt the Isabel Co-op. Housing Maintenance Society Ltd., near Chinchinim, Salcete-Goa, from the provisions of Section 59(4) of the Goa Co-op. Societies Act, 2001 for the term i.e. 2017 to 2022 by invoking the powers under Section 126A of the Goa Co-op. Societies Act, 2001.

By order and in the name of the Governor of Goa.

Sanjiv M. Gadkar, Registrar & ex officio Addl. Secretary (Co-op. Societies).

Panaji, 7th August, 2018.

Office of the Registrar of Co-operative Societies

Order

No. 7-617-2016/EST/RCS/1918

Consequent upon relieving of Smt. Ulka Bandekar, Asstt. Registrar of Co-op. Societies, South Zone, Margao from Government Service on voluntary retirement w.e.f. 31-7-2018 (b.n.), Shri Rajesh Parwar, Asstt. Registrar of Co-op. Societies, VPK Urban Co-op. Credit Society, is transferred and posted as Asstt. Registrar of Co-op. Societies, South Zone, Margao.

Smt. Pratima Braganza, Asstt. Registrar of Co-op. Societies, ABN/EXE, North Goa District, Ponda-Goa, shall look after the charge of Asstt. Registrar of Co-op. Societies, VPK Urban Co-op. Credit Society, in addition to her own duties.

By order and in the name of the Governor of Goa.

Sanjiv M. Gadkar, Registrar & ex officio Addl. Secretary (Co-op. Societies).

Panaji, 7th August, 2018.

Department of Education, Art & Culture

Directorate of Higher Education

Order

No. 1/5/2017-DHE/2267

Read: Order No. 21/1/2016-Fin (R&C)/3702 dated 10-11-2017 issued by the Finance (Revenue & Control) Department, Government of Goa.

Pursuant to order dated 10-11-2017 read in preamble and after assessing the staffing position and new requirements, Government is pleased to accord its sanction to the following teaching posts

for M.Sc. in Mathematics in the following Government Colleges under the control of Directorate of Higher Education, Porvorim-Goa as under:-

Government College of Arts, Science and Commerce, Sanquelim-Goa

Sr. No.	Designation	Pay Matrix as per VIIth Pay Commission	Total sanctioned strength
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Teaching Posts

1.	Professor in Mathematics	Level 14	02
2.	Professor Emeritus/ /Senior Professor in Mathematics	Level 15	02

Government College of Arts, Science and Commerce, Quepem-Goa

1.	Professor in Mathematics	Level 14	02
2.	Professor Emeritus/ /Senior Professor in Mathematics	Level 15	02

3. The above positions shall be filled for a short tenure of two years based on the assessment of workload in each subject done by Directorate of Higher Education as the case may be.

This issues with the concurrence of Finance (Rev. & Cont.) Department vide their U.O. No. Fin.(R&C)/1400045362-F dated 17-04-2018.

By order and in the name of the Governor of Goa.

Diwan N. Rane, Under Secretary (Higher Education).

Porvorim, 10th August, 2018.

Directorate of Technical Education
College Section

Order

No. 16/4/79/PF/NFS/Arch/DTE/18/1435

Read: Memorandum No. 16/2/25/2001/DTE/Vol. II/ /711 dated 07-06-2018.

On the recommendations of the Goa Public Service Commission conveyed vide their letter No. COM/I/5/5(2)/2018/94 dated 15-05-2018, Government is pleased to appoint Ms. Nisha Flavia Soares on temporary basis to the post of Assistant Professor in Architecture (Group 'A' Gazetted) at Goa College of Architecture, Altinho, Panaji-Goa, on an initial pay at Level 10 [i.e. on an initial pay

of Rs. 15,600/- (pre-revised) in the Pay Scale of Rs. 15,600-39,100 (pre-revised) (PB-3)+Academic Grade Pay of Rs. 6,000/-] w.e.f. the date of joining as per the terms & conditions contained in the Memorandum cited above.

The appointment is against the post of Assistant Professor in Architecture vacant since 31-08-2011 due to superannuation of Shri Lawrence Rodrigues and subsequently revived vide order No. DTE/ADC/16/2/34/2007/Vol.I/3104 dated 21-12-2017.

Ms. Nisha Flavia Soares will be on probation for a period of two years.

She should join duties within 30 days of the receipt of this order, failing which this order is liable to be cancelled without further notice.

She has been declared fit by Medical Board, Goa Medical College & Hospital, Bambolim vide letter No. 4/105/85-H/GMC/2018/520 dated 30-06-2018. Her character and antecedents have been verified and nothing adverse is reported against her as conveyed by the Additional Collector & ADM, North Goa, Office of the District Magistrate, Magisterial Branch, Collectorate Building, Panaji vide No. 2/6/2013-MAG/VCA/3737 dated 02-08-2018.

By order and in the name of the Governor of Goa.

Vivek B. Kamat, Director & ex officio Addl. Secretary (Technical Education).

Porvorim, August, 2018.

Order

No. 8/1/66/SBG/PF/DTE/2018/1436

Read: Memorandum No. 8/34/86/EDN/Vol.IV/144 dated 13-04-2018.

On the recommendations of the Goa Public Service Commission conveyed vide their letter No. COM/I/5/6(1)/2017/1118 dated 28-03-2018, Government is pleased to appoint Shri Sagar Babay Gaude on temporary basis to the post of Assistant Professor in Fine Art (Applied Art) (Group 'A' Gazetted) at Goa College of Art, Altinho, Panaji-Goa, on an initial pay at Level 10 [i.e. on an initial pay of Rs. 15,600/- (pre-revised) in the Pay Scale of Rs. 15,600-39,100 (pre-revised) (PB-3)+Academic Grade Pay of Rs. 6,000/-] w.e.f. the date of joining as per the terms & conditions contained in the Memorandum cited above.

The appointment is against the post of Assistant Professor in Fine Art (Applied Art) created vide order No. 8/26/81/WET dated 02-07-1983 vacated by Shri S. R. Borkar and subsequently revived vide order No. 8/34/86/EDN/Vol.II/3379 dated 01-11-2016.

Shri Sagar Babay Gaude will be on probation for a period of two years.

He should join duties within 30 days of the receipt of this order, failing which this order is liable to be cancelled without further notice.

He has been declared fit by Medical Board, Goa Medical College & Hospital, Bambolim vide letter No. 4/105/85-H/GMC/2018/380 dated 15-05-2018. His character and antecedents have been verified and nothing adverse is reported against him as conveyed by the Additional District Magistrate, South Goa, Margao, Office of the Collector and District Magistrate, South Goa District, Magisterial Section, Matanhy Saldanha Administrative Complex, Margao, Goa vide letter No. 36/01/2018/MAG/227/8951 dated 30-07-2018.

By order and in the name of the Governor of Goa.

Vivek B. Kamat, Director & ex officio Addl. Secretary (Technical Education).

Porvorim, 9th August, 2018.

Order

No. 16/150/Confirmation/GEC/04/PFI/1372

Read: Order No. 16/150/Confirmation/GEC/04/3206 dated 23-3-2007.

On the recommendations of the Goa Public Service Commission as conveyed vide their letter No. COM/III/12/18(1)/05/1066 dated 22-08-2006, the Government of Goa is pleased to declare the following Group 'A' Gazetted Officers of Goa College of Engineering, Farmagudi, Ponda-Goa to have satisfactorily completed their probation period and confirm them in the post with effect from date mentioned in the respective column against their names.

Sr. No.	Name of the Incumbent	Designation	Date of confirmation
1	2	3	4
1.	Dr. R. B. Lohani	Professor & HOD in Electronics & Telecommunication Engineering	10-05-2000.

1	2	3	4
2.	Dr. C. S. Gokhale	Assistant Professor in Civil Engineering	26-01-1996.
3.	Dr. K. G. Guptha	Assistant Professor in Civil Engineering	26-01-1996.
4.	Shri A. K. S. Bhadauria	Assistant Professor in Environmental Sc.	03-02-1996.
5.	Dr. V. N. Shet	Assistant Professor in Electronics and Telecommunication Engineering	14-05-1997.
6.	Smt. Madhumita Tamhane	Assistant Professor in Electronics and Telecommunication Engineering	19-11-1997.
7.	Shri V. K. Joseph	Assistant Professor in Electrical Engineering	12-03-1998.
8.	Shri J. A. Laxminarayana	Assistant Professor in Computer Engineering	30-07-1999.
9.	Shri D. V. Shirodkar	Assistant Workshop Superintendent	30-06-1994.
10.	Shri S. N. Betagiri	Lecturer in Civil Engineering	14-01-1989.
11.	Shri Adappa Jalihal	Lecturer in Geology	08-01-1993.
12.	Smt. Ujwala Phadke	Lecturer in Mathematics	07-07-1993.
13.	Shri V. Mariappan	Lecturer in Mechanical Engineering	31-07-1993.
14.	Smt. Tania Vanessa Colaco	Lecturer in Electronics & Telecommunication Engineering	19-12-1995.
15.	Shri S. V. Balasubramanian	Lecturer in Metallurgy	02-01-1996.
16.	Shri Umesh A. Bapat	Lecturer in Computer Engineering	26-01-1996.
17.	Shri Milind Sakhardande	Lecturer in Mechanical Engineering	26-01-1996.
18.	Ms. Wilma Rita Fernandes	Lecturer in Civil Engineering	26-01-1996.
19.	Shri Ganesh Hegde	Lecturer in Civil Engineering	30-01-1996.
20.	Shri Bindurao R. Kulkarni	Lecturer in Mechanical Engineering	06-03-1996.
21.	Smt. Amita Chimulkar	Lecturer in Electronics & Telecommunication Engineering	30-03-1996.
22.	Shri George Easaw	Lecturer in Mechanical Engineering	08-09-1996.
23.	Shri Govind Kunkolienkar	Lecturer in Electrical Engineering	02-09-1998.
24.	Kum. Maruska Fatima C. Mascarenhas	Lecturer in Computer Engineering	12-06-1999.
25.	Smt. Sangeeta Mahaddalkar alias Sangeeta S. Wadawalkar	Lecturer in Electrical Engineering	30-08-1999.
26.	Shri Anant J. Naik	Lecturer in Electrical Engineering	31-08-1999.
27.	Smt. Suneeta S. Raykar	Lecturer in Electrical Engineering	15-10-1999.
28.	Shri Nilesh B. Faldessai	Lecturer in Computer Engineering	17-12-1999.
29.	Shri Prasanna H. S. Kumar	Lecturer in Civil Engineering	14-03-2000.
30.	Ms. Nisha Amonkar	Lecturer in Civil Engineering	30-07-2000.
31.	Shri Rajesh S. Prabhu Gaonkar	Lecturer in Mechanical Engineering	14-06-2000.
32.	Shri Hassanali G. Virani	Lecturer in Electronics & Telecommunication Engineering	09-07-2000.
33.	Shri B. S. Manohar Shankar	Lecturer in Mechanical Engineering	13-07-2000.
34.	Shri Vikas K. Chodankar	Lecturer in Civil Engineering	21-05-2000.
35.	Shri Sunil G. Raut	Stores Officer	21-04-1995.

As per the recommendation of All India Council for Technical Education (AICTE) issued vide Notification No. F.No. 37-3/Legal/2010 dated 5th March, 2010, as accepted by Government of Goa vide order No. DTE/Estt/1-9-II/pay Fixation/2009/273 dated 27-01-2011, the post of Lecturers has been re-designated as Assistant Professor and that of Assistant Professor has been re-designated as Associate Professor as and when the faculties are due.

This order supersedes the earlier order No. 16/150/Confirmation/GEC/04/3206 dated 23-3-2007.

By order and in the name of the Governor of Goa.

Vivek B. Kamat, Director & ex officio Addl. Secretary (Technical Education).

Porvorim, 6th August, 2018.

Order

No. 16/150/Confirmation/GEC/04/PFI/1373

Read: Order No. 16/150/Confirmation/GEC/04/PFI/4389 dated 29-10-2010.

On the recommendations of the Goa Public Service Commission as conveyed vide their letter No. COM/II/12/18(1)/05/234 dated 06-10-2010, the Government of Goa is pleased to declare the following Group 'A' Gazetted Officers of Goa College of Engineering, Farmagudi, Ponda-Goa to have satisfactorily completed their probation period and confirm them in the post with effect from date mentioned in the respective column against their names.

Sr. No.	Name of the Incumbent	Designation	Date of confirmation
1	2	3	4
1.	Dr. Adlete A. A. Mascarenhas	Lecturer in Chemistry	07-11-2006.
2.	Smt. Minaz Bi Sheikh	Lecturer in Maths	30-11-2006.
3.	Smt. Natasha D'Souza	Lecturer in Economics	01-12-2006.
4.	Shri Vijay Menino Jesus Borges	Lecturer in Information Technology	17-08-2006.
5.	Shri Jayeshkumar G. Priolkar	Lecturer in Electrical Engineering	14-11-2006.
6.	Ms. Manisha B. Naik Gaonkar	Lecturer in Computer Engineering	30-10-2006.
7.	Shri Gajanan Shanker Gawde	Lecturer in Computer Engineering	18-08-2006.
8.	Shri Chetan K. Desai	Lecturer in Electronics & Telecommunication Engineering	05-10-2006.
9.	Shri Shajahan M. Kutty	Lecturer in Electronics & Telecommunication Engineering	19-10-2006.
10.	Ms. Amita Umesh Dessai	Lecturer in Electronics & Telecommunication Engineering	27-11-2006.
11.	Ms. Sonia S. Kuwelkar	Lecturer in Electronics & Telecommunication Engineering	12-03-2007.
12.	Ms. Nayana Narayan Shenvi	Lecturer in Electronics & Telecommunication Engineering	06-10-2006.
13.	Ms. Sonali Dattatraya Pandit	Lecturer in Electrical Engineering	23-04-2007.
14.	Shri Nitesh Navnath Naik	Lecturer in Computer Engineering	11-06-2007.
15.	Ms. Aisha Cyra Fernandes Furtado	Lecturer in Information Technology	25-07-2007.
16.	Ms. Vaishali R. Shirodkar	Lecturer in Information Technology	18-06-2007.
17.	Shri Samarth Bhagirath Borker	Lecturer in Electronics & Telecommunication Engineering	19-12-2007.

As per the recommendation of All India Council for Technical Education (AICTE) issued vide Notification No. F.No. 37-3/Legal/2010 dated 5th March, 2010, as accepted by Government of Goa vide order No. DTE/Estt/1-9-II/pay Fixation/2009/273 dated 27-01-2011, the post of Lecturers has been re-designated as Assistant Professor and that of Assistant Professor has been re-designated as Associate Professor.

This order supersedes the earlier order No. 16/150/Confirmation/GEC/04/PFI/4389 dated 29-10-2010.

By order and in the name of the Governor of Goa.

Vivek B. Kamat, Director & ex officio Addl. Secretary (Technical Education).

Porvorim, 6th August, 2018.

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Department of Forest

Order

No. 4-2-2011/FOR/502

The Government of Goa is pleased to order transfer and posting of the following Assistant Conservator of Forests (ACFs), with immediate effect and until further orders in public interest:

Sr. No.	Name of the officer and designation	Present posting	Posted as
1.	Shri Anand Jadhav, ACF	ACF (Wildlife & Eco-Tourism), South, Margao	SDFO, Ponda, thereby relieving Shri A. G. Samant, ACF of additional charge.
2.	Shri Vishal Surve, ACF	SDFO, Quepem	Additional charge of ACF (Wildlife & Eco-Tourism), South, Margao.

All the above officers shall continue to draw their salary on their substantive posts.

The process of handing over/taking over charge shall be completed within seven days from the date of issue of this order.

By order and in the name of the Governor of Goa.

Shaila G. Bhosle, Under Secretary (Forests).

Porvorim, 6th August, 2018.

Department of Industries

Order

No. 3/1/2018-IND(Part)/301

Government of Goa is pleased to appoint Goa Investment Promotion & Facilitation Board as "Nodal Agency" for formulating and implementing the logistics policy of the State.

By order and in the name of the Governor of Goa.

A. S. Mahatme, Under Secretary (Industries).

Porvorim, 09th August, 2018.

Department of Labour

Notification

No. 28/3/2018-LAB/Part-III/500

The following Award passed by the Industrial Tribunal and Labour Court, at Panaji-Goa on 03-07-2018 in reference No. IT/24/09 is hereby published as required by Section 17 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947).

By order and in the name of the Governor of Goa.

A. S. Mahatme, Under Secretary (Labour).

Porvorim, 06th August, 2018.

IN THE INDUSTRIAL TRIBUNAL AND
LABOUR COURT

GOVERNMENT OF GOA

AT PANAJI

(Before Mr. Vincent D'Silva, Hon'ble Presiding
Officer)

Ref. No. IT/24/09

Shri Johnny Vaz,
Rep. by the Goa MRF Union,
H. No. 282, Dr. P. S. Ramani Road,
Wadi, Talaulim,
Ponda-Goa.

... Workman/Party I

V/s

MRF Limited,
Tisk, Usgao, Goa.

... Employer/Party II

Workman/Party I represented by Ld. Adv. Shri P.
Agrawal.

Employer/Party II represented by Ld. Adv. Shri G.
K. Sardessai.

AWARD

(Delivered on this the 3rd day of the month
of July of the year 2018)

By Order dated 20-08-2009, bearing No. 28/22/
/2008-LAB/620, the Government of Goa in exercise
of powers conferred by Section 10 (1)(d) of the
Industrial Disputes Act, 1947 (for short The Act),
has referred the following dispute to the Tribunal
for adjudication.

"(1) Whether the action of M.R.F. Ltd., Tisk, Usgao,
Goa, in suspending Shri Johnny Vaz,
Machinist, for two days without wages by
way of punishment, is legal and justified?

(2) If not, to what relief the workman is entitled?"

2. Upon receipt of the reference, it was registered
as IT/24/09 and registered A/D notices were issued
to both the parties. Pursuant to service of notices,
Party I filed a Claim statement at Exhibit 4 and
Party II filed a Written statement at Exhibit 5.

3. In short, the case of the Party I is that the
Party II/company has been harassing the union
members including illegal suspension by way of
punishment to Party I workman. The Party II issued
illegal show cause notice to Party I alleging that
he misbehaved with the supervisor and was asked
to file a reply within 48 hours and thereafter
illegally imposed two days suspension by way of
punishment without holding an enquiry. The
punitive suspension imposed on him is illegal only
to victimize him for his legitimate trade activities.
The conciliation proceedings ended in failure due

to adamant attitude of the management. The action
of Party II is illegal and unjustified. Hence, the
reference.

4. In the Written statement, the Party II has stated
that based on the report of the supervisor a show
cause notice was issued to him and after
conducting a preliminary enquiry into the incident,
it was found that the incident was established
which amounted to serious act of misconduct
under Certified Standing Orders of the company.
However, the Party II took a lenient view and
instead of imposing harsh punishment awarded
with two days suspension by way of punishment
considering the past service record of Party I. The
punishment imposed on Party I was in accordance
with the provision of Certified Standing Orders of
the company. The action of the company is legal
and proper.

5. The Party I filed a rejoinder at Exhibit 7
denying the case put forth by Party II in the written
statement.

6. Issues framed at Exhibit 11 are as follows:

- (1) Whether the Party I proves that no enquiry
was conducted before imposing
punishment and this violated the concept
of natural justice?
- (2) Whether the Party I proves that he is
entitled for two days wages and
regularization of it?
- (3) Whether the Party II proves that there is
sufficient material to prove the
misconduct of Party I?
- (4) What order & relief?

7. The Party I, Shri Johnny Vaz examined himself
and produced on record his affidavit in evidence
at Exh. 15, a copy of show cause notice dated
19-12-08 at Exh. 16, a copy of letter dated 22-12-08
at Exh. 17, a copy of reply dated 26-12-08 at
Exh. 18, a copy of order of suspension dated
5-1-09 at Exh. 19, a copy of letter dated 27-1-09 at
Exh. 20, copies of the records of conciliation
proceedings along with enclosures at Exh. 21 colly
and closed the case. On the other hand,
Shri Kenneth De Souza was examined as witness of
Party II and he produced on record his affidavit in
evidence at Exh. 26, a copy of inter office
memorandum dated 13-12-08 at Exh. 27, a copy of
out pass dated 31-12-08 at Exh. 28, a copy of
attendance muster roll of M/C shop/PREP II at
Exh. 29, a copy of IOM dated 31-12-08 regarding
intimation for preliminary enquiry at Exh. 30, a
copy of IOM dated 31-12-08 regarding intimation

for preliminary enquiry at Exh. 30, a copy of IOM dated 31-12-08 regarding preliminary enquiry report at Exh. 31, a copy of Certified Standing Orders of Party II at Exh. 32. The Party II also examined Shri Mangaldas Dessai as their second witness.

8. Heard arguments. Notes of Written arguments came to be placed on record by Party I as well as Party II.

9. I have gone through the records of the case and have duly considered the arguments advanced. My answers to the above issues are as follows:

- Issue No. 1 ... In the Negative.
- Issue No. 2 ... In the Negative.
- Issue No. 3 ... In the Affirmative.
- Issue No. 4 ... As per final order.

REASONS

Issue No. 1:

10. Learned Adv. Shri P. Agrawal for Party I has submitted that the provision under Certified Standing Orders of Party II relating to minor offence and minor punishment is contained in clause 22 by which it is stated that no order under sub-clause (ii) fine and sub-clause (iii) suspension without pay not exceeding four days be made unless the workman concerned be informed in writing of the alleged misconduct and given an opportunity to explain the circumstances alleged against him. He further submitted that the above provisions are embodiment of the idea of natural justice that should be followed in case of above punishment and when the statute does not exclude personal hearing expressly or impliedly, it is necessary that personal hearing is given before the punishment. He also submitted that the Certified Standing Orders mentions an opportunity to explain and it cannot be a mere ceremonial requirement and it has to be reasonable and follow the requirement of a reasonable procedure. The employer therefore is duty bound to conduct an enquiry which includes personal hearing and documents relied upon by the management in the interest of justice and fairness and in support thereof, he relied upon the cases of (i) **D. K. Yadav vs. J.M.A. Industries Ltd., (1993) 3 SCC 259** and (ii) **Glaxo Laboratories (I) Ltd. vs. Presiding Officer, Labour Court, Meerut & Ors., AIR 1984 SC 505**.

11. Per contra, Ld. Adv. Shri G. K. Sardesai for Party II has submitted that the present dispute is in respect of punishment of suspension imposed on Party I for having committed an act of misconduct while at work as reported by the supervisor on duty on 13-12-2008. The Party I was issued a show cause notice as the above act of

abusing and insulting a supervisor while at work and challenging his authority is a serious act of misconduct. The Party I replied to the said show cause notice and after perusing found it necessary to conduct a preliminary enquiry by Plant HR-Manager calling upon all concerned, however the Party I failed to attend the enquiry despite being informed and the preliminary enquiry concluded that the incident was established however, the Party II took a lenient view. He further submitted that the violation if any, of each and every facet of principle of natural justice does not have the effect of vitiating the enquiry. There is no requirement of cross examination to be fulfilled to justify fair play in action. The conduct of preliminary enquiry is reflective of the adherence to the rules of natural justice in the entire matter. The test in such cases should be one of prejudice, viz. whether such violation has prejudiced the employee in defending himself properly and effectively or whether the person has received a fair hearing considering all things and whether actual prejudice has been caused to the person by the supposed denial to him of a particular right. In support thereof, he relied upon the cases of (i) **K. L. Tripathi vs. State Bank of India & Ors., (1984) 1 SCC 43**, (ii) **Janki Nath Sarangi vs. State of Orissa, (1970) 1 LLJ 356** and (iii) **State Bank of Patiala and Other vs. S.K. Sharma, (1996) 3 SCC 364**.

12. Admittedly, the Party I was imposed with a minor punishment of suspension of two days for having committed an act of misconduct while at work under clause 22 of the Certified Standing Orders. Clause 22 of the Certified Standing Orders reads as follows:

22. PUNISHMENT: (a) *The punishment for misconduct that may be awarded by the manager or any person duly authorised by him shall be as follows:*

- i.
- ii.
- iii. *Suspension without pay not exceeding four days.*

EXPLANATION: *Stoppage of increments at an efficiency bar shall not constitute a penalty.*

(b) *No order under sub-clause ii and iii and iv of clause (22) shall be made unless the workman concerned has been informed in writing of the alleged misconduct and given an opportunity to explain the circumstances alleged against him.*

13. The above provision requires two basic ingredients viz. (a) that the workmen is to be informed in writing of alleged misconduct, (b) given an opportunity to explain the circumstances alleged against him. No detailed enquiry as mandated under clause 22 (a) (v) (vi) is required as no order of discharge or dismissal under the said clauses can be made except an enquiry against the workmen concerned in respect of alleged misconduct. There is no requirement for personal hearing and/or right to provide documents in the said provision. The management is not duty bound to conduct an enquiry nor it is provided in the Certified Standing Orders of the company. The only requirement is to see whether actual prejudice has been caused to the person or not. The test in such cases should be one of prejudice. In other words, the test is, all things taken together, whether the employee had or did not have a fair hearing.

14. It was alleged that the Party I while on duty on 13-12-2008 behaved in a rude manner with the supervisor on duty, Shri Mangaldas Dessai and in the process insulted him in the presence of other workmen with words such as '*beshtar*' and went on to challenge the authority of said supervisor without any provocation. The Party I was issued a show cause notice dated 19-12-2008 and he replied vide letter dated 26-12-2008. The allegation that he was denied opportunity of 10 days to reply is without any substance as when he asked for 10 days to reply, the Party II gave extension of time upto 30-12-2008 at Exh. 22 and he admitted that he sent his reply on 26-12-2008 at Exh. 18. There is therefore no denial of opportunity of filing a reply by Party I as sufficient time was granted to him to explain the show cause notice. It is thus evident that the Party I was issued a show cause notice in writing and an opportunity to explain the circumstances alleged against him has been given to him. Shri Johnny Vaz has also admitted that the Company issued a show cause notice to him and that he was required to submit his explanation in writing and that he sent his reply to the said show cause notice dated 26-12-2008 at Exh. 18. It is therefore the requirements of clause 22(b) of the Certified Standing Orders of the company for informing the workman concerned in writing of the alleged misconduct and giving an opportunity to explain the circumstances against him, have been duly complied by Party II.

15. Learned Adv. Shri Sardesai for Party II has submitted that after perusing the reply, Party II found it necessary to conduct a preliminary enquiry against Party I. Party I, Shri Johnny Vaz has denied that the preliminary enquiry was fixed by Party II

on 31-12-2008 and that he did not attend the said enquiry despite intimation by concerned supervisor of Party II. Shri Kenneth De Souza has stated that the preliminary enquiry was conducted into the reported incident by HR-Manager calling upon all concerned involved in the incident, however Party I failed to attend the preliminary enquiry despite being informed by the supervisor. In the cross examination, he admitted that no notice of preliminary enquiry was given to Party I but claimed that he orally informed him and that he told the Party I workman that there would be preliminary enquiry at 4.00 p.m. on 31-12-2008 and that he should come at Plant HR-Manager's cabin. Exhibit 30 is the IOM dated 31-12-2008 with instructions to inform Party I about the preliminary enquiry. He also stated that Party I was on duty on 31-12-2008 in the second shift at 4.05 p.m. on that day and that he informed him about the preliminary enquiry as soon as he joined the shift and Party I though on duty did not attend the enquiry. He stated that Party II is required to give notice of the enquiry to the workman only in case of domestic enquiry as per Certified Standing Orders and that there is no need of written notice in case of preliminary enquiry. He also admitted that the persons who participated in the preliminary enquiry were Plant HR-Manager, Shri Mangaldas Dessai and himself. Shri Mangaldas Dessai has also reiterated that preliminary enquiry was conducted into the incident and that Party I failed to attend the said enquiry.

16. Be that as it may, the Certified Standing Orders do not warrant enquiry to be conducted in cases of punishment under clause 22(3)(b) before awarding such punishment as long as an opportunity is given to the workman in writing to explain the charges, however the evidence clearly shows that such an enquiry was conducted in which the Party I workman failed to attend. The evidence also clearly indicates that the punishment imposed on Party I workman is consequent to affording a proper opportunity to him to explain and to defend the incident by participating in the preliminary enquiry, which he chose not to do so. The Party I has not sought any documents nor alleged in the reply dated 26-12-2008 at Exh. 18 that no documents have been furnished to him nor it was his case that no preliminary enquiry was conducted; no notice in writing was given and that no opportunity was given to him to explain the circumstances alleged against him. The Party II therefore has sufficiently followed principles of natural justice before initiating action against Party I as well as given

sufficient opportunity to explain circumstances against him and therefore, the punishment imposed was in accordance with provisions of Certified Standing Orders of the company.

17. In short, the evidence on record clearly show that the show cause notice was issued as provided under Certified Standing Orders of the company pursuant to which a reply was filed by Party I and the preliminary enquiry was conducted prior to awarding punishment as reflected in the order of suspension for two days dated 27-1-2009 at Exh. 20. There is therefore no violation of any of the facets of principle of natural justice. The Party II has conducted preliminary enquiry although not mandated by the provisions of Certified Standing Orders of the company. There was no requirement of cross examination to be fulfilled to justify fair play in action as no real prejudice has been shown to have been caused to Party I workman by absence of any formal opportunity of physical participation in the enquiry or in the cross examination *per se*. It is well settled that every violation of procedural provision does not render the enquiry and the punishment void. The Party I workman has also not shown that any prejudice has been caused to him. The provisions of Certified Standing Orders do not expressly provide that in case of minor punishment, he should be given an opportunity to produce evidence or materials in support of evidence and if no such opportunity is given, the enquiry is said to be violated. The Party II has complied with procedural provisions giving fair opportunity to Party I and an order was passed imposing minor punishment consequent upon a preliminary enquiry and therefore, no interference is called in awarding the said punishment. The Party I having failed to prove that the Party II has violated the concept of natural justice and that no enquiry was conducted against imposing punishment, issue No. 1 has to be answered in the negative.

Issue Nos. 2, 3 and 4:

18. It is the case of Party II that the Party I while on duty on 13-12-2008 behaved in a rude manner with the supervisor on duty, Shri Mangaldas Dessai and in the process insulted him in the presence of other workmen with words such as '*besmar*' and went on to challenge the authority of said supervisor without any provocation. The Party II has examined Shri Kenneth De Souza, Chief Engineering Manager who has claimed that based on the report of supervisor concerned the Party I was issued a show cause notice dated 19-12-2008 for abusing and insulting the supervisor at work

and challenging his authority. Exhibit 27 is the said report/complaint. Shri Mangaldas Dessai also claimed that while on duty, Party I misbehaved with him and in the process insulted him in the presence of other workmen such as '*besmar*, *besmar*' repeatedly and challenged the authority without the provocation and on his report, Party I issued a show cause notice dated 19-12-2008. He has not been shaken in the cross examination. He denied the suggestion that he filed a false and fabricated complaint and that Party I has not abused him. Shri Johnny Vaz in the cross examination has also admitted that Shri Mangaldas had come to him on 13-12-2008 and told him to do some work on that day, but denied the occurrence of the said incident.

19. It is well settled that there is no rule of evidence which lays down that the evidence of a solitary witness cannot be relied upon or merely because there is only a solitary witness in support of the charge, no conclusion can be based upon it even though the evidence of that witness is acceptable as true. The evidence led by Party II in support of charge is acceptable more particularly when Shri Johnny Vaz has admitted in the cross examination that Shri Mangaldas had told him to do some work when he was on duty on 13-12-2008 and that he replied that if he wanted him to do his work being urgent, he should talk to his supervisor. He also admitted that his relation with Shri Mangaldas was cordial at that time and even today. It is also not his case nor is it proved that Shri Mangaldas has filed a false case against him. The evidence of Shri Mangaldas is very clear on the aspect of abusing him with words '*besmar*, *besmar*' and challenging his authority as supervisor in the company in the presence of other workmen, whose behavior is improper and disorderly and there is nothing brought on record in the cross examination to disbelieve said Mangaldas Dessai and Kenneth De Souza, who also deposed on the said incident. The complaint at Exh. 27 against Party I was also lodged on the same day of incident without any delay. The Party II therefore has sufficiently proved misconduct against Party I. In short, there is compliance of principles of natural justice; the action of Party II neither amounts to unfair labour practice nor victimization. The punishment awarded in the instant case considering the offence is also not disproportionate to the misconduct committed by

Party I as discipline is of paramount importance in functioning of affairs of the company and therefore, in above facts and circumstances of the case, the Party I workman is not entitled to any relief as prayed for, on the contrary, the reference deserves to be rejected. Hence, above issues are answered accordingly.

20. In the result, I pass the following:

ORDER

- i. It is hereby held that the action of M.R.F. Ltd., Tisk, Usgao, Goa, in suspending Shri Johnny Vaz, Machinist, for two days without wages by way of punishment, is legal and justified.
- ii. No order as to costs.
- iii. Inform the Government accordingly.

Sd/-

(Vincent D'Silva),
Presiding Officer,
Industrial Tribunal and
Labour Court.

Notification

No. 24/27/2018-LAB/504

The Labour Department/Office of the Commissioner, Labour and Employment, Government of Goa, has launched a number of online services in respect of different Labour Acts, under Business Reforms Action Plan, 2016 and in furtherance of the commitment for delivery of services within stipulated time frame under the Goa (Rights of Citizens to Time-Bound Delivery of Public Services) Act, 2013 (Goa Act 19 of 2013).

And whereas, the Labour Department/Office of the Commissioner, Labour and Employment is committed to ensure that the applications under all Labour Acts, related to Registration/Renewals/Amendments are submitted online only, thereby eliminating the process of manual applications and/or payment of prescribed fees under said Labour Acts. Further the Forms prescribed under the below mentioned Acts and Rules shall be deemed to have been amended to that extent.

And whereas, the Labour Department/Office of the Commissioner, Labour and Employment/after careful consideration has already introduced the process of online registration/renewals and also payment of fees prescribed for various services with effect from 3rd January, 2018 through Goa Online Portal.

And therefore, the Labour Department/Office of the Commissioner, Labour and Employment, Government of Goa is pleased to eliminate in entirely the process of physically submitting applications and or processing and or payments related to these services. The list of all the services which would be transacted by online mode is mentioned in the schedule below and which is subject to be updated from time to time by the Labour Department/Office of the Commissioner, Labour and Employment.

SCHEDULE

List of services delivered exclusively online

Sr. No.	Name of the service
1	2
1.	Registration and Renewal under the Goa, Daman and Diu Shops and Establishment Act, 1973 and the Rules, 1975.
2.	Registration for Principal Employers under the provisions of the Contract Labour (Regulation & Abolition) Act, 1970 and the Rules, 1972.
3.	Licence and Renewal of Licence for contractors under the provisions of the Contract Labour (Regulation and Abolition) Act, 1970 and Rules, 1972.
4.	Registration for Principal Employers under the provisions of the Inter-State Migrant Workmen (Regulation of Employment & Conditions of Service) Act, 1979 and Rules, 1982.
5.	Licence and Renewal of Licence for contractors under the provisions of Inter-State Migrant (Regulation of Employment & Conditions of Service) Act, 1979 and Rules, 1982.
6.	Registration and Renewal under the provisions of Motor Transport Workers Act, 1961 and Rules, 1966.
7.	Registration of Employers under the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 and Rules, 2008.

By order and in the name of the Governor of Goa.

A. S. Mahatme, Under Secretary (Labour).

Porvorim, 07th August, 2018.

Department of Personnel

—
Order

No. 6/78/2011-PER/PF-I/2517

Read: 6/9/2009-PER(Part I)/2242 dated 16-07-2018.

Approval of the Competent Authority is accorded to draw the salary of the following Senior Scale Officers of Goa Civil Service as indicated against their names in column (3) with effect from their date of joining in pursuance to the order read in preamble:

Sr. No.	Name of the officer	Designation	Against which salary to be drawn
1.	Shri Damodar S. Morajkar	Administrator, Sanjivani Sakhar Kharkhana	Leave & Training Reserve.
2.	Shri Parag Nagorcekcar	State Project Director, Goa Samagra Shiksha Abhiyan	Leave & Training Reserve.
3.	Pravin Barad	Awaiting posting	Leave & Training Reserve.

Harish N. Adconkar, Under Secretary (Personnel-I).

Porvorim, 07th August, 2018.



Department of Power

Office of the Chief Electrical Engineer

—
Addendum

No. CEE/Estt-31-25-88/GPSC/Part/1682

Read: Order No. CEE/Estt-31-25-88/GPSC/Part/827 dated 01-06-2018.

In the above order, the following para may be added.

"The above officiating posting in the post of Executive Engineer (Elect.), will not bestow on above officer, any claim for regular appointment and services tendered by above officer on officiating basis as Executive Engineer (Elect.) shall not be counted for the purpose of seniority in the grade or eligibility for promotion to the post of Executive Engineer (Elect.)."

2. All other contents of the order remained unchanged.

By order and in the name of the Governor of Goa.

N. Neelakanta Reddy, Chief Electrical Engineer & ex officio Addl. Secretary.

Panaji, 13th August, 2018.

Department of Public Health

—
Order

No. 21/11/2013-I/PHD/2063

Read: Government Order No. 21/11/2013-I/PHD dated 29-12-2017.

Government is pleased to accept the notice of voluntary retirement dated 31-07-2017 tendered by Kum. Maria Helena Castro, Lecturer in Nursing, Institute of Nursing Education under Directorate of Health Services under Rule 48-A of CCS (Pension) Rules, 1972 and to relieve her from the post of Lecturer in Nursing, Institute of Nursing Education under Directorate of Health Services with effect from 01-01-2018 (f.n.).

This issues in supersession of Order No. 21/11/2013-I/PHD dated 29-12-2017.

By order and in the name of the Governor of Goa.

Maria Seomara De Souza, Under Secretary (Health-II).

Porvorim, 7th August, 2018.

—
Order

No. 4/21/2009-II/PHD/3247

Read: Memorandum No. 4/21/2009-II/PHD dated 11-07-2018.

On the recommendation of the Goa Public Service Commission as conveyed vide their letter No. COM/I/5/30(6)/2018/127 dated 19-06-2018, Government is pleased to appoint Dr. Archan Devidas Naik to the post of Lecturer in the Department of E.N.T. in Goa Medical College & Hospital, Bambolim-Goa on temporary basis in the Level-11 of Pay Matrix [Pay Band-3, Rs. 15,600-39,100+Grade Pay of Rs. 6,600/- (pre-revised)] with immediate effect and as per the terms and conditions contained in the Memorandum cited above.

Dr. Archan Devidas Naik shall be on probation for a period of two years.

Dr. Archan Devidas Naik has been declared medically fit by the Medical Board.

The appointment is made subject to the verification of his character and antecedents. In the event of any adverse remarks noticed by the Government on verification of his character and antecedents, his services shall be terminated.

The appointment is made against the vacancy occurred due to promotion of Dr. Markandeya Tiwari, Lecturer to the post of Assistant Professor, Department of ENT, Goa Medical College vide Order No. 4/21/2009-II/PHD dated 23-02-2018.

By order and in the name of the Governor of Goa.

Trupti B. Manerkar, Under Secretary (Health).

Porvorim, 9th August, 2018.

Department of Public Works

Office of the Principal Chief Engineer

Order

No. 64/05/2018/PCE-PWD-ADM-II/78

Approval of the Government is hereby conveyed for extension of deputation period in respect of the below mentioned Executive Engineer, Assistant Engineer of this Department, presently posted in Sewerage & Infrastructure Development Corporation Ltd. on deputation for the period shown against their names in column No. (6) below on the terms and condition contained in O.M. No. 13/4/74/PER dated 12-2-1999 of the Department of Personnel, Government of Goa, Secretariat, Panaji as amended from time to time.

Sr. No.	Name of the Engineer & designation	Place of deputation on transfer	Date of transfer on deputation	Total period of deputation completed	Period of deputation extended
1	2	3	4	5	6
1.	Shri Arvind Karmadi, Executive Engineer	Sewerage & Infrastructural Development Corporation of Goa Ltd., Panaji	18-06-2013	4 yrs.	01-08-2017 to 31-07-2018.
2.	Shri Gakesh H. Kodleker, Assistant Engineer	Sewerage & Infrastructural Development Corporation of Goa Ltd., Panaji	14-12-2012	4 yrs.	01-08-2017 to 31-07-2018.
3.	Shri Pradeep L. Gaude, Assistant Engineer	Sewerage & Infrastructural Development Corporation of Goa Ltd., Panaji	13-05-2015	2 yrs.	01-08-2017 to 31-07-2018.

By order and in the name of the Governor of Goa.

U. P. Parsekar, Principal Chief Engineer & ex officio Addl. Secretary (PWD).

Panaji, 8th August, 2018.

Department of Women & Child Development

Directorate of Women & Child Development

Order

No. 4/3/2015/W&CD/Part I/5136

On the recommendation of Goa Public Service Commission conveyed vide their letter No. COM/II/11/59(1)/2018/128 dated 22-06-2018, Government is pleased to promote following Mukhya Sevikas to the post of Social Welfare Officer/Chief Development Project Officer (Group 'B' Gazetted) on regular basis in the pay scale of Rs. 9,300-34,800+Grade Pay of Rs. 4,200/- (Level-6 of the VIIth Pay Commission) with effect from the date of taking over the charge of the post and posted them as follows:-

Sr. No.	Name and designation	Category	Posting on promotion
1.	Smt. Sita Maria P. (Barreto) Rebello, Mukhya Sevika	General	Child Development Project Officer, WCD Block Office Salcete against vacant post thereby relieving Kum. Shaila Naik, CDPO, WCD Block Office Dharbandora of additional charge of WCD Block Office Salcete.
2.	Smt. Chaya Kadkade @ Melchior, Mukhya Sevika	General	Child Development Project Officer, WCD Block Office Pernem against vacant post thereby relieving Smt. Vijaya Vernekar, CDPO, WCD Block Office Bardez of additional charge of WCD Block Office Pernem.

The newly promoted officers shall be on probation period of two years, they should exercise an option for fixation of pay under F.R.(22) (1)(a)(1) within one month from the date of promotion.

The expenditure in respect of above post shall be debited to the Budget head of Account "2235-Social Security & Welfare; 02-Social Welfare; 102-Child Welfare; 03-Integrated Child Development Project Scheme including Health cover (Plan) (A); 01-Salaries."

By order and in the name of the Governor of Goa.

Dipak Desai, Director & ex officio Joint Secretary (WCD).

Panaji, 8th August, 2018.

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